

United States District Court

WESTERN DISTRICT OF WASHINGTON

J.D. JONES BARTON,

v.

JUDGMENT IN A CIVIL CASE

No. C10-5511 RJB/KLS

PATRICK R. GLEBE

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 32);
- (2) Petitioner's writ of habeas corpus (Dkt. 1) is **DISMISSED WITHOUT PREJUDICE** on the basis that the claims are unexhausted; and
- (3) In accord with the analysis and recommendation of the magistrate judge (Dkt. 32, at 5-6), a Certificate of Appealability is **DENIED**.

February 1, 2011

Date

WILLIAM M. McCOOL

Clerk

s/ Mary Trent

Deputy Clerk